



## **CITY OF HAYWARD**

### **AGENDA REPORT**

Planning Commission

Meeting Date 06/29/00

Agenda Item 2

**TO:** Planning Commission

**FROM:** Arlynne J. **Camire**, Associate Planner

**SUBJECT:** Use Permit and Parking Exceptions Application No. 00-160-10 - Allstate Auto Safes, Inc. (Applicant), Donald Boehm (Owner) Request To Establish An Automobile Dealership That Sells Previously Owned Luxury Automobiles, An Auto Repair Service Garage (Minor Repairs), And An Outdoor Automobile Storage And Display Area. - The Property Is Located At 730 A Street, North Side, In A CC-C (Central City Commercial) Subdistrict

#### **RECOMMENDATION**

It is recommended that the Planning Commission **find** that the project is categorically exempt, approve the use permit and parking exemptions application subject to the attached findings and conditions of approval.

#### **DISCUSSION**

##### Background

The applicant, Allstate Auto, Inc., proposes to operate an automobile dealership for the sale of previously owned luxury automobiles and a service/detailing garage to make needed repairs on the automobiles to be sold. The uses will be in two buildings that were once used as an automobile sales show room and a repair garage. In addition, automobiles awaiting pick-up and ones for sale will be displayed in a common parking lot located to the rear of the property behind the adjacent building that houses Larry's Tire Express. The buildings, a **4,544-square-foot** retail building and a **1,792-square-foot** garage, have not been occupied for several years. Since this site was designed as and was once occupied by an automobile dealership, staff believes that the use could be appropriate for the site.

On March 23, 2000, the Planning Commission approved a use permit allowing Larry's Tire Express to relocate to the subject parcel and approved parking exceptions for the size of parking lot landscape setbacks and for 44 parking stalls in lieu of the required 51.

The property is a flat, rectangular, through parcel, with approximately 180 feet of street frontage on both A Street and Smalley Avenue approximately 295 feet in depth and is located just outside Downtown Hayward Redevelopment Plan Area. It is adjacent to retail uses on A Street, and multiple family residential and automobile related uses are located to the rear of the

property on Smalley Avenue. Surrounding properties to the east, south and west are zoned CC-C Subdistrict. The parcels to the north that are developed with an apartment building are zoned High Density Residential (RH) District and the parcels that are developed with auto uses are zoned CC-C Subdistrict.

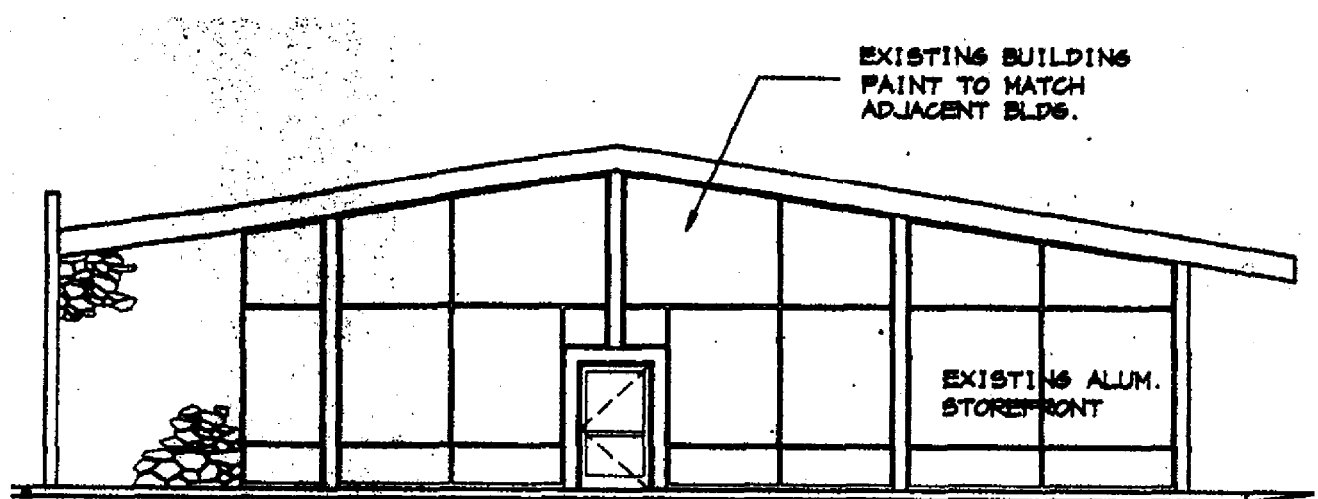
### Proposal

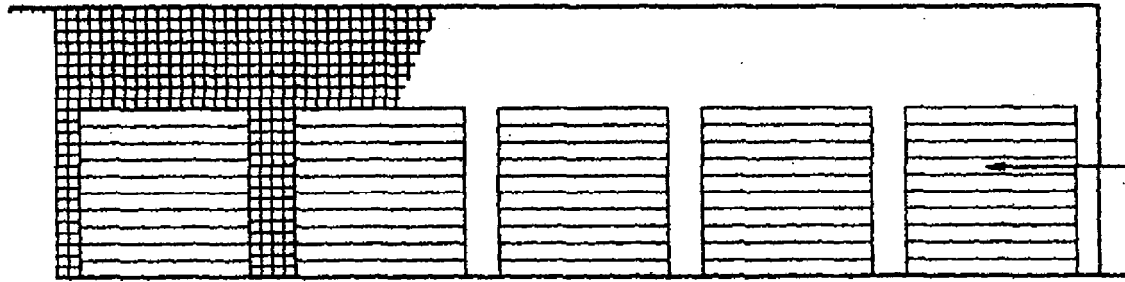
The applicant proposes to complete improvements to an existing **4,544-square-foot** retail showroom and a **1,792-square-foot** garage. The buildings will require minor interior improvements to the showroom to accommodate a 6-vehicle display area, 3 permanent offices, 5 sales office cubicles, a customer waiting area, and restrooms that are accessible to persons with physical disabilities. The garage, with 5 service bays, will be used for the repair of vehicles to be sold. If tires are needed to assure that the automobile is street worthy, the adjacent Larry's Tire Express will accommodate this need. Minor site improvements such as new landscaping and irrigation on the west and north sides of the parking lot, reconfiguration of the parking lot, and fencing have been completed by the property owner in order to meet the conditions of approval adopted for Larry's Tire Express. A sign is proposed to be mounted on the building fascia.

### Architecture

The **building** consists of metal frame construction with light gray colored exterior concrete block **walls**, and an aluminum fascia and window framing with large showroom windows that fill the entire front and west facades of the showroom and office area. A gable roof covers the showroom building and a flat roof covers the garage. The design, facade treatment and color of these buildings are condition of approval require to be consistent with the building that houses Larry's Tire Express. The garage is painted the same color as the buildings fronting on A Street.

Showroom Building





Service/Detail Garage

### Site Improvements

Site improvements have been completed. The buildings have been painted light grey with blue trim, the parking lot has been resurfaced and restripped. Landscape planters have been installed to the rear and on the west side of the parking lot. A trash and recycling enclosure has been built. Additional parking lot lighting has been provided. A new wood fence has been constructed on the west side of the parking lot and an iron fence and gate with an emergency lock box has been constructed to the rear. The chainlink fence located on the east side of the parking lot has been repaired.

### Parking Exceptions and Vehicular Circulation/Emergency Access/Access for Persons with Disabilities

Two-way vehicular circulation to and from the parking lot is from A Street. Access from Smalley Avenue at the rear of the property is limited to emergency vehicles. An access gate with a lock box has been installed at the Smalley Avenue entrance. The gate adjacent to A Street will remain locked during non-business hours. The required parking to accommodate all three buildings is 51 spaces. On March 23, 2000 the Planning Commission approved a parking exception to allow 44 parking stalls including 2 van accessible stalls for persons with physical disabilities. The exception was approved based on the fact that Larry's Tire Express will have 4 service stalls in the building, and based on past experience, Larry's Tire Express does not demand available customer parking equivalent to the City's requirement. They will retain 15 parking spaces for customers and employees. Allstate Auto Sales, Inc. proposes to use 29 parking spaces for customer parking, automobile display and for storage of purchased automobiles awaiting customer pick-up. Staff is of the opinion that adequate parking will be available to customers and employees of both Larry's Tire Express and Allstate Auto Sales, Inc.

## Signs

The Tire Express sign has been installed on the building **facia** above the tire showroom and sales area. However, the applicant has stated that a sign will not be installed at this time. The business name will appear on the window. In the future, a sign may be installed in the same manner as the Tire Express sign. The sign will be required to conform to the Sign Regulations adopted for the CC-C Subdistrict.

## Hours of Operation

The applicant intends to operate **8:30** a.m. to 9:00 p.m. daily. Any request to modify the hours of operation is subject to the approval of the Planning Director.

In addition, the applicant intends to sell automobiles on the Allstate Auto **website**, which will be available, after the subject location is secured. The vehicles that are sold on the **website** will be stored in the rear parking lot while awaiting customer pick-up.

## General Plan, Permitted Uses and Planning Issues

The General Plan Map designation for the property and the area along the northerly and southerly sides of A Street is Retail and Office Commercial. An automobile dealership with minor auto repairs conforms to the General Plan designation.

The entire site was once occupied by an auto dealership that vacated the site in the mid-1980's. The buildings can be occupied by a variety of office, retail commercial and service uses. However, unless it can be demonstrated that adequate parking exists on-site or at adjacent parking facilities, the buildings cannot be occupied by a restaurant.

## Environmental Review

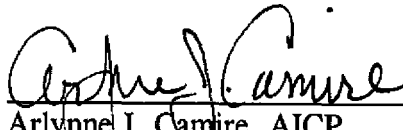
The project is exempt from environmental review as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15301, Class 1, Existing Facilities, Minor Alteration.

## Public Hearing Notice


A Notice of Public Hearing was mailed to former members of the Neighborhood Task Force, and every property owner and resident within 300 feet of the property as noted on the latest assessor's records.

During the use permit referral process staff solicited comments from neighborhood residents and property owners regarding the project. Staff received one comment in support of granting the application request (Attachment B).

**Prepared by:**

  
Arlynn J. Camire, AICP  
Associate Planner,

**Recommended by:**

  
Dyana Anderly, AICP  
Planning Manager

**Attachments:**

- A. Area/Zoning Map
- B. Email** received June 22, 2000 from Bruce Johnson
- C. Findings for Approval
- D. Conditions of Approval of Use Permit  
Development Plans

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**From:** Bruce Johnson <bjohn@ipschannel.com>  
**To:** COHD.CED(ArlyneC)  
**Date:** Thu, Jun 22, 2000 10:40 AM  
**Subject:** 730 A Street

I am a trustee of the Johnson Family Trust which has the property across the street from 730 A street, specifically 731-741 A Street. I have no objection to Allstate auto Sales occupying the long vacant premises. Just hope that they clean it up and make it attractive. Are they restricted on height of signs like we are? We are short of curb parking on our side of the street. I hope Allstate keeps their customers and cars on their side!

**ATTACHMENT B**

**FINDINGS FOR APPROVAL**  
**Use Permit Application 00-160-10**  
**Allstate Auto Sales, Inc., 730 A Street**

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Class 1, Minor Alteration to Existing Facilities;
- B. That Allstate Auto Sales, Inc project as conditioned is desirable for the public convenience or welfare in that the tire sales and service use will be centrally located near the downtown area amid other automobile oriented uses;
- C. That project as conditioned will not impair the character and integrity of the Central City Commercial (CC-C) District and the abutting RH District in that approval of the applicant's request to locate this business on this site will require the applicant to conform with the City's Minimum Design and Performance Standards for the CC-C District, which restricts the use of the site to an automobile dealership with limited auto repair ;
- D. That the project as conditioned will not be detrimental to the public health, safety, or general welfare in that the applicant will be required to conform with all Uniform Building, Fire and related code requirements, including but not limited to emergency access and requirements for persons with disabilities, that the applicant will be required to conform with and install all the recommendations and that the applicant must conform with all conditions of the use permit including but not limited to hours of operation, landscaping, and related site improvements;
- E. That the project as conditioned will be in harmony with applicable City policies including the City's Design Guidelines and the Central City Development Minimum Design and Performance Standards in that the applicant will refandscape the Smalley Avenue frontage, and that the applicant will be required to install a new fence along the South side of the parking lot and close a driveway on Smalley Avenue.



**FINDINGS FOR APPROVAL**  
**Use Permit Application 00-160-10**  
**Parking Exceptions**  
**(23 of the 44 parking to be used as vehicle display)**  
**Allstate Auto Sales, Inc.**  
**730 A Street**

- A. There are special circumstances peculiar to the property involved that do not apply generally to property in the same **district** in that the uses are permitted in the zone and ample parking is provided in public parking **facilities**;
- B. **Literal** interpretation of the Off-Street Parking Regulations would cause a hardship on Allstate Auto Sales, **Inc.** since the site was designed as automobile dealership which allowed temporary outdoor storage and display of automobiles for sale and a **similar** exception was granted to **Larry's** Tire Express which shares the subject site.
- C. The exceptions **to** the Off-Street Parking Regulations do not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the Central **City-Commercial** Subdistrict in that the subject property is **limited** by the availability of **land** to provide additional parking spaces;
- D. The granting of the parking exception will not result in the parking or loading of vehicles on public **streets in** such a manner as to interfere with the requirements set forth in the **Off-Street** Parking Regulations as nearly as is **reasonably** possible because Allstate Auto Sales, Inc. will complete the majority of business transactions by telephone and the **internet website** which will result for a **need** for less parking. There will be 6 vehicles displayed in the building and 4 service stalls in the building. Therefore the demand for parking is less than a traditional automobile dealership;
- E. The granting of the exceptions will not create a safety hazard or any other condition inconsistent with the purpose of the Off-Street **Parking** Regulations. The proposed parking and circulation is in compliance with the requirements of the Off-Street Regulations as nearly as is reasonably possible given the fact that there is an existing building on the site that was designed for an automobile dealership.

**CONDITIONS OF APPROVAL**  
**Use Permit Application 00-160-10**  
**Allstate Auto Sales, Inc.**  
**730 A Street**

General

1. Use Permit Application No. 00-160-10 is approved subject to the specific conditions listed below, This permit becomes void on June 29, 2001, unless prior to that time a building permit has been accepted for processing by the Building Official, or a time extension is approved A request for a one year extension must be submitted to the Planning Division 15 days prior to the above date.
2. All improvements indicated on the site plan labeled Exhibit "A" shall be installed prior to occupancy of the building and onset of business.
3. **Inoperable** vehicles are not permitted to be stored on-site. All vehicles are required to be in working order and available for sale or are sold and are awaiting pick-up.
4. Outdoor storage of auto parts and related equipment shall be prohibited. Vehicular repair, in-operable storage, or related activity outside the building shall be prohibited,
5. Obtain a building permit for all improvements. A Certificate of Occupancy is required to be issued prior to the occupancy of the building.

Prior to the occupancy of the building the applicant shall:

6. Fire Department Requirements:
  - a. The vehicle display/sales building is required to have fire extinguishers installed throughout to the satisfaction of the Fire Marshall.
  - b. An address with a minimum of **6-inch** high numbers is required on the vehicle display building.
  - c. The service/detailing garage requires the installation of a carbon monoxide detection system and fire extinguishers to the satisfaction of the Fire Marshall.
  - d. Fire Department permits are required to be obtained prior to the installation of the carbon monoxide detector.
  - e. A chemical inventory **that** includes hazardous materials and waste materials shall be submitted to the Fire Department, Hazardous Materials Office upon approval of the use permit.
7. The applicant shall submit an on-site recycling plan to the City's Solid Waste Manager to be implemented prior to occupancy.

8. All applicable requirements of the City's Security Ordinance shall be met.
  9. Landscaping shall be maintained in a weed-free condition at all times with replacement plants provided where necessary. Required street and **parking** lot trees that are severely topped or pruned shall be immediately replaced, as determined by the City Landscape Architect.
  10. The property owner shall maintain 'in good repair all building exteriors, walls, lighting, landscaping, trash enclosures, drainage facilities, driveways, and parking areas. The premises shall be kept clean and any graffiti shall be painted or removed within seven days of occurrence.
  11. Prior to authorization for occupancy, including authorization for gas and electric meter service, staff shall ensure that the use arrangement, construction, and improvements are in conjunction with plans approved through verification of zoning compliance procedures.
  12. Violation of conditions is cause for revocation of this permit application at a public hearing before ~~the~~ duly authorized review body.
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